



**Austin City Code Amendment
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 11
AGENDA DATE: Thu 06/17/2004
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SUBJECT: Adopt an ordinance amending Sections 14-11-1 and 14-11-2 of the existing Code to allow pre-existing improvements to remain in acquired easements without the necessity of securing a license agreement and to require field notes and a survey in all applications for license agreements.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Public Works
DEPARTMENT:

**DIRECTOR'S
AUTHORIZATION:** Leon Barba

FOR MORE INFORMATION CONTACT: Lauraine Rizer 974-7078; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: 841220-JJ - 12/20/84 - amended application fees; 910110-J - 1/10/91 - annual fee subject to change after 2 year period; 970917-C - 9/17/97 - amended application fees; 030612-93 - 6/12/03 - amended ordinance 15-12 & 25-2; 031211-16 amend Section.

BOARD AND COMMISSION ACTION: N/A

Under the provisions of the existing ordinance, if the City needs to acquire an easement underneath a landscaped area or structures as defined in Section 25-1-21 (Definitions), the landowner is required to obtain a license agreement for these types of improvements. As part of the license agreement, the landowner is required to list the City as an additional insured party on their insurance policy, pay an annual license fee, and remove the improvements upon a 30-day notice from the City.

The first proposed amendment would grandfather the improvements remaining in the easement after construction of the utility eliminating the requirement for a License Agreement. If the pre-existing improvements negatively impact the purpose for the easement the City will acquire the improvements in the easement acquisition process, and they will be removed or re-located.

The second proposed amendment would improve the License Agreement process by re-instating the requirement of a field note and survey description. Requiring a survey and field notes up front will shorten the process by four to six weeks.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 14-11-1 AND 14-11-2 OF THE CITY CODE RELATING TO APPLICATIONS FOR THE DISPOSITION OF PUBLIC EASEMENTS AND RIGHTS-OF-WAY, AND EXCEPTIONS TO THE LICENSE AGREEMENT REQUIREMENT FOR CERTAIN USES OF PUBLIC PROPERTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 14-11-1(B) of the City Code is amended to read:

(B) An application filed under this section must be accompanied by:

- (1) a non-refundable application fee in an amount established by separate ordinance; and
- (2) a survey and field note description of the public property or easement to be released, licensed, or vacated.

PART 2. Section 14-11-2 of the City Code is amended to read:

§ 14-11-2 EXCEPTIONS FOR CERTAIN USES OF PUBLIC PROPERTY.

A person is not required to obtain a license for the private use of public property for a:

- (1) temporary construction barricade;
- (2) banner over a street;
- (3) temporary street closing;
- (4) landscaped area or structure, as defined in Section 25-1-21 (*Definitions*), in a public easement if the director of the Public Works Department determines that the landscaped area or structure existed before the creation of the easement and does not interfere with the use of the easement; or

